

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,
v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff,

Plaintiff,
v.

DEFENDANTS REPRESENTED BY CHAITMAN
LLP,

Defendants.

**ORDER IMPLEMENTING THE COURT'S
NOVEMBER 29, 2017 BENCH RULING**

THIS MATTER having come before the Court on the request of Chaitman LLP on behalf of the Defendants in the above-referenced adversary proceedings and counsel for Irving H. Picard, as trustee (the "Trustee") for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq., and the estate of Bernard L. Madoff, with respect to Chaitman LLP's letter dated

September 8, 2017 [ECF No. 16607] requesting a discovery conference and the Trustee's response dated September 19, 2017 [ECF No. 16657], and the Court having received *in camera* submissions from both parties, and the Court having held hearings on November 9, 2017 at 2:00 p.m. and November 29, 2017 at 10:00 a.m., and the Court having heard argument from the Trustee's counsel, and counsel for the Defendants having failed to appear; and the Court having directed the Trustee to submit a proposed order consistent with the bench ruling issued during the November 29, 2017 hearing (the "November 29 Hearing"), as set forth in the transcript from the November 29 Hearing, it is hereby:

1. ORDERED, notwithstanding the inadvertent disclosure of certain information on the Microfilm Index and the Warehouse Index, as discussed in the parties' respective letters [ECF Nos. 16607 and 16657], such disclosure does not constitute a waiver of any privilege or protection, including the attorney-client privilege and the work product protection, that the Trustee may otherwise have over the inadvertently disclosed information, and it is further
2. ORDERED, that the Trustee withdraws his request to claw back the inadvertently disclosed information in the Microfilm Index and the Warehouse Index, and it is further
3. ORDERED, that this Court shall retain jurisdiction over all matters relating to the enforcement, implementation, and interpretation of this Order.

Dated: December 1, 2017

/s/ *Stuart M. Bernstein*
STUART M. BERNSTEIN
United States Bankruptcy Judge